EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS POWER,
Plaintiff,

v.

HEWLETT-PACKARD COMPANY,
Defendant.

Civil Division

Docket No. 2:17-CV-00154-MRH

Hon. Mark R. Hornak

AFFIDAVIT OF THERESA KLUSENDORF IN SUPPORT OF MOTION IN LIMINE TO PRECLUDE TESTIMONY FROM WILLIAM F. KITZES, J.D.

Theresa Klusendorf, being duly sworn, deposes and says as follows:

1. I am a Litigation & Disputes Paralegal at HP Inc.
2. I am aware that plaintiff's expert in a case called *Power v. HP Inc.* has relied upon a document posted at HP.com.
3. Specifically, plaintiff's expert, William Kitzes, relied upon a document entitled "HP Notebook PCs - 601 or 60X Error Displays on a Black Screen." The document is attached hereto as Exhibit A.
4. Mr. Kitzes apparently relies on Exhibit A for the proposition that, "By late 2008, HP developed a better battery authentication system for certain laptops to identify counterfeit battery packs, yet the subject HP elite book did not include such system to identify non-HP batteries." However, this is incorrect.
5. The error display message #605 relied upon by Mr. Kitzes states: "Battery Counterfeit Check Error (605) – A non-HP battery was detected. If you purchased the battery from a reseller, contact HP." However, per our Computing Operations Lead who has personal knowledge regarding certain information that is posted on HP.com, I understand that such an error dis-

play message did not exist in HP notebook computers in 2008 nor in 2009. Rather, that message was added to HP computers in or around September 29, 2020. Exhibit A was updated on or about September 29, 2020. Thus, Exhibit A, relied upon by Mr. Kitzes, was not created in 2008 or 2009 but was created on or about September 29, 2020 .

6. Thus, Exhibit A does not demonstrate that: "By late 2008, HP developed a better battery authentication system for certain laptops to identify 'counterfeit' battery packs, yet the subject HP elite book did not include such system to identify non-HP batteries," as opined to by Mr. Kitzes. To the contrary, Exhibit A demonstrates that such error messages were incorporated in or around September 29, 2020. In other words, long after the date of manufacture of August 18, 2009 of the Power notebook in this case.

Signed under the pains and penalties of perjury this 13th of May, 2022.

Theresa Klusendorf

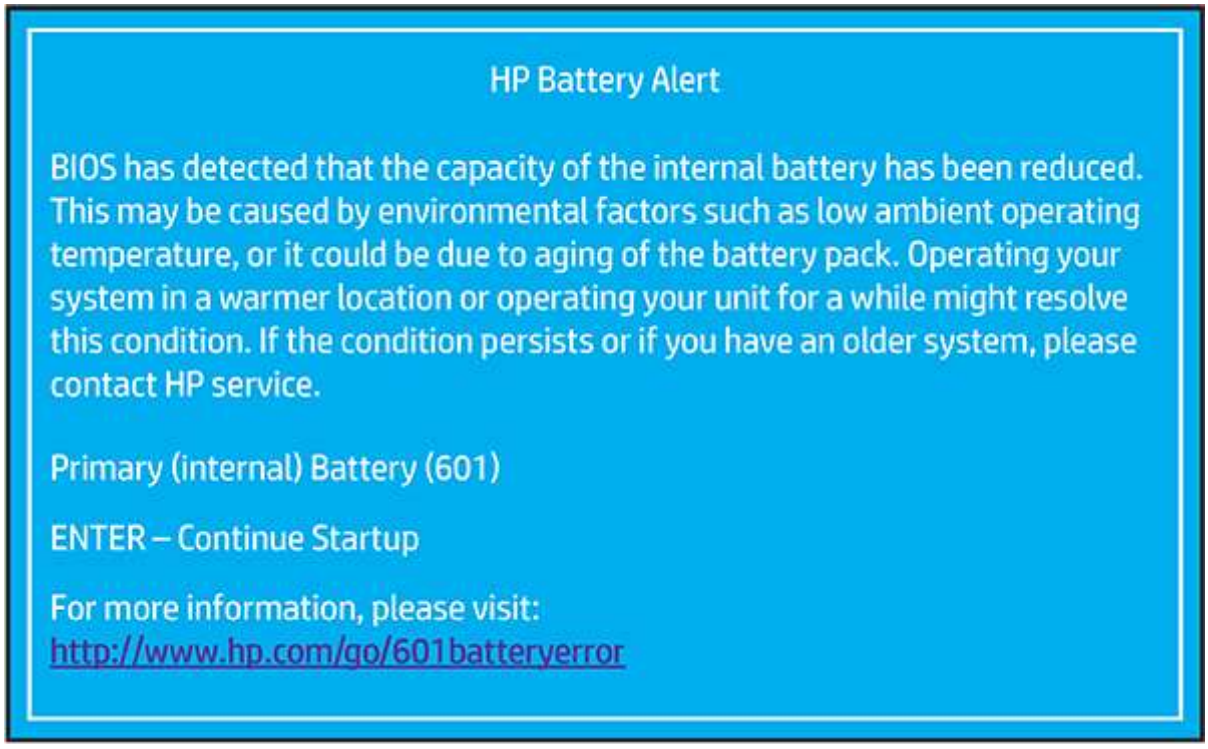
EXHIBIT A

HP Notebook PCs - 601 or 60X Error Displays on a Black Screen

This document pertains to HP notebook computers with the HP Unified Extensible Firmware Interface (UEFI) beginning in late 2008.

On startup, the computer performs a battery check by examining the remaining capacity of the primary battery as well as the capacity of any secondary battery that may be installed.

If the system detects that the storage capacity of the battery is very low, it displays one of the following alerts.



The message displays for 15 seconds as the normal startup process continues.

Differences between battery messages (601–605, 607–608)

- 601: If Primary (internal) Battery (601) appears in the alert message, it means the measured storage capacity of the primary (internal) battery is less than 25% of the original storage capacity. The number "601" denotes the associated error code that is recorded in the system log.
- 602: If Secondary (external) Battery (602) appears in the alert message, it means the measured storage capacity of the secondary (external) battery is less than 25% of the original storage capacity. The number "602" denotes the associated error code that is recorded in the system log.
- 603: Battery not present – Primary battery is not detected by the detected by the test.
- 604: Battery Charge Level Error – The test cannot determine the correct charge level of the primary battery.
- 605: AC Adapter Error – The test indicates that the battery is not receiving a charge.
- 605: Battery Counterfeit Check Error (605) – A non-HP battery was detected. If you purchased the battery from a reseller, contact HP.
- 607: Primary (internal) Battery is Weak with Low temperature.
- 608: Secondary (internal) Battery is Weak with Low temperature.

Resolving the Battery Alert message

+ Step 1: Update the BIOS to the latest version

1. Download a BIOS update from the HP website. Go to the #NEW#HP Customer Support - Software and Driver Downloads#NEW# page.
2. Navigate to the product page for your computer.
3. Select **BIOS** from the list that displays, and then review any available BIOS updates.

   CAUTION:

   Confirm that the BIOS update is more recent then the one installed and that it applies to your computer. Installing the wrong BIOS could cause your computer to stop working. For more information about updating the BIOS, see #NEW#Updating the BIOS (Basic Input Output System)#NEW# .

   - **If you do not see a BIOS update listed for your computer**, no update is currently available.
   - **If you find a BIOS update**, click **Download**, and then click **Save**.
4. Browse to the folder or desktop where you saved the downloaded BIOS update file, and then double-click the file name (example: sp12345) to start the installation.

5. Wait for the computer to install the update. The computer might beep, turn off and on the display or cooling fans, or display a blinking power light. This is normal.

CAUTION:

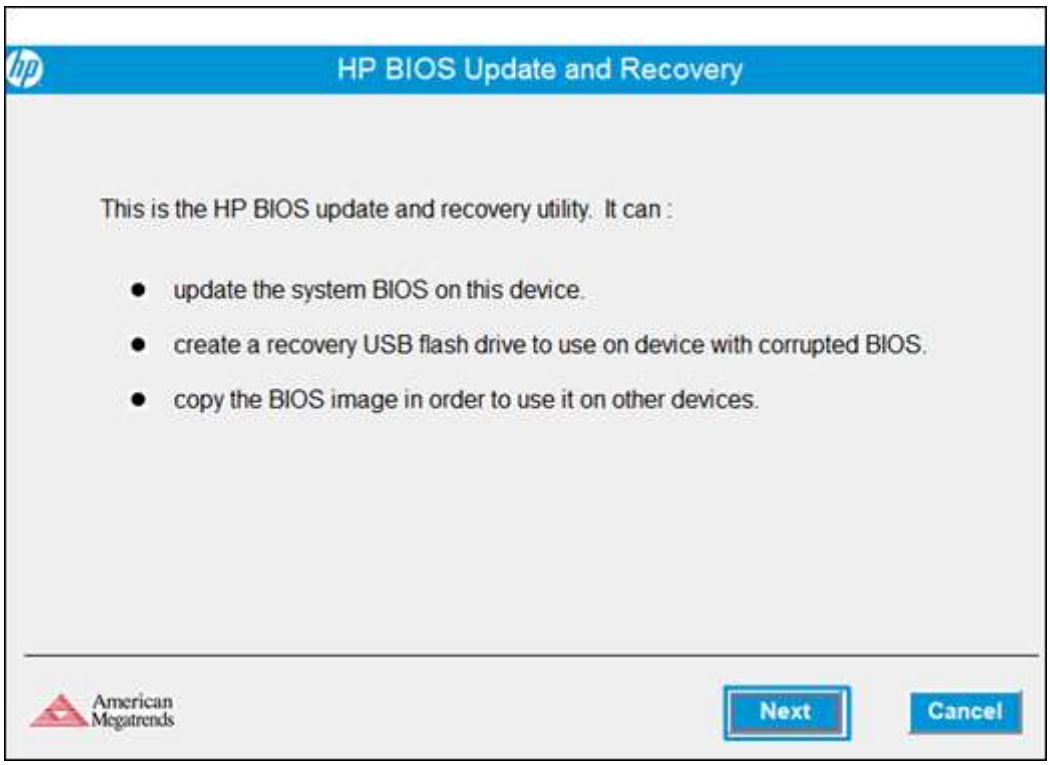
Do not turn off or restart the computer until the update process completes.

6. Click **Yes** on the User Account Control screen.
7. In the InstallShield Wizard window, click **Next**.
8. Select **I accept the terms in the license agreement**, and then click **Next**.

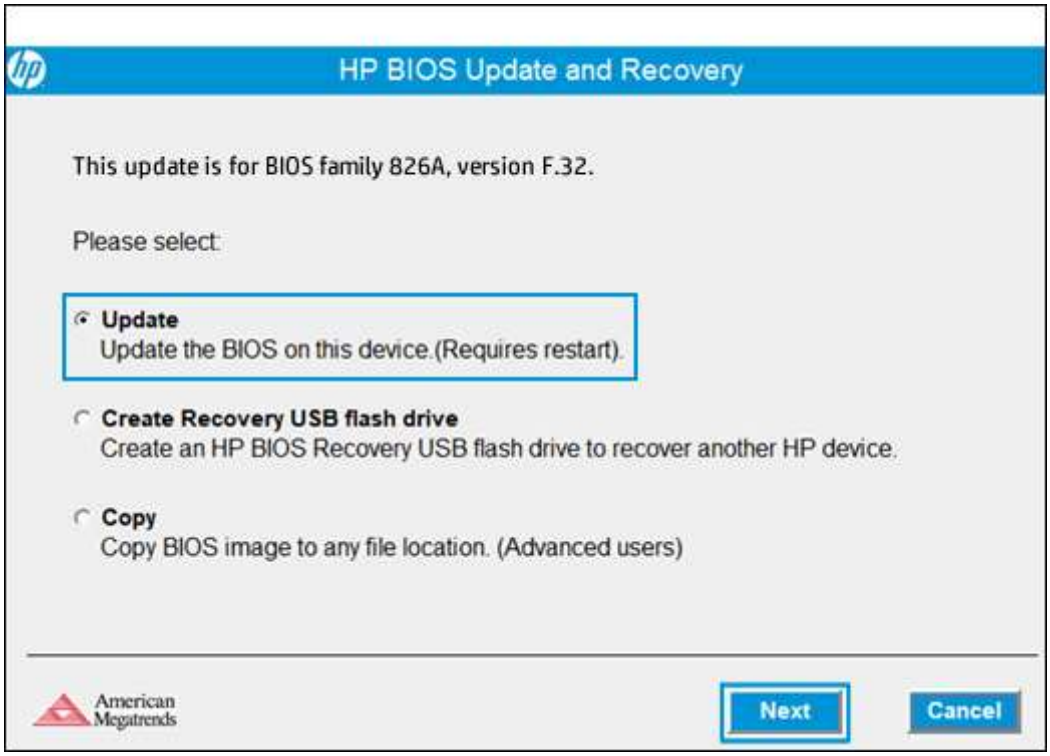
9. On the **HP BIOS Update and Recovery** window, click **Next**.

NOTE:

Windows that display during the update process might vary depending on your computer.



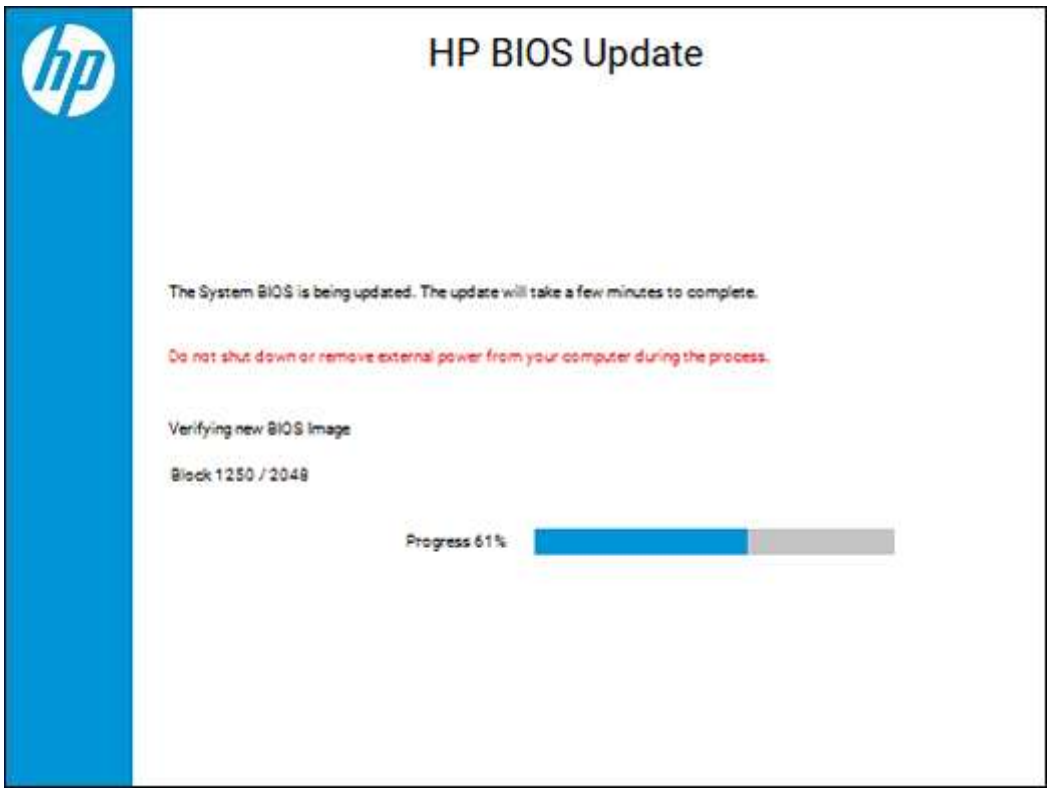
10. Select **Update**, and then click **Next** to prepare the update.



11. Click **Restart Now** to install the update.

12. On the HP BIOS Update screen, click **Apply Update Now**, or wait for the update to start automatically.

13. Wait while the BIOS update installs. The computer displays the installation progress.



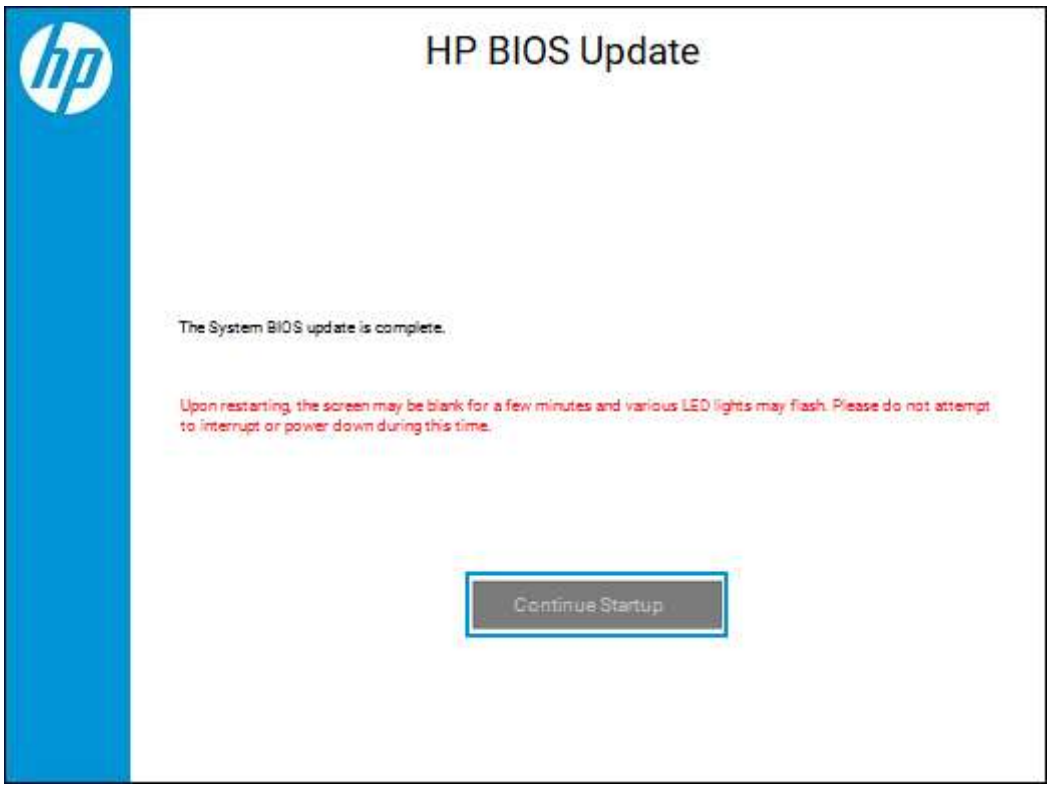
14. When prompted, click **Continue Startup**, or wait for the computer to restart automatically. It might take a few minutes for the computer to restart.

    NOTE:

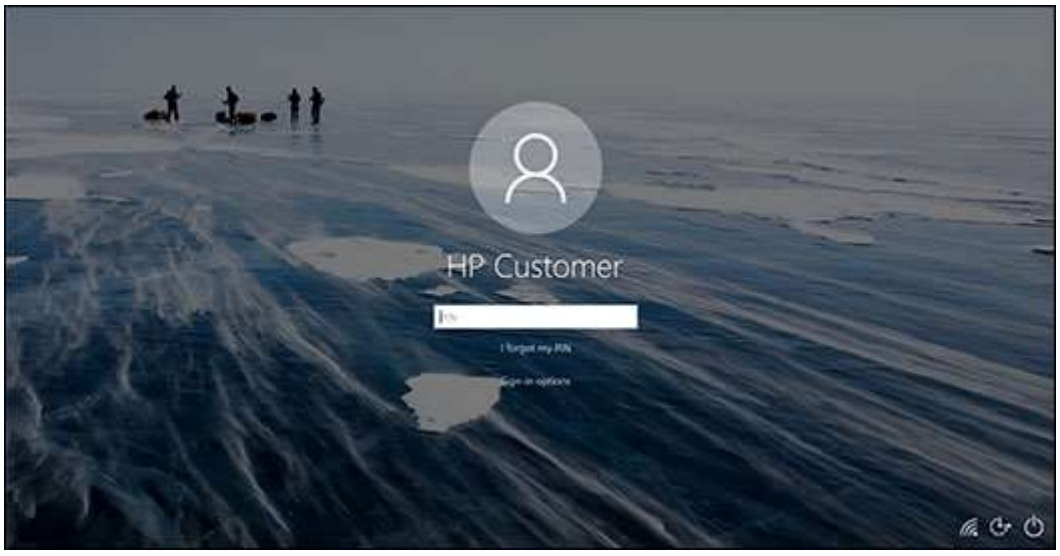
    If the update fails, a failure screen displays with additional information. The system might run a BIOS recovery after restarting. Do not attempt to turn off the computer if this happens.

    NOTE:

    If a '251' or CMOS Checksum error displays after the update, go to #NEW#Error: CMOS Checksum Bad#NEW# to resolve the issue.



15. When the lock screen displays, sign in to your computer.



+ Step 2: Test the battery using HP Hardware Diagnostics

To resolve a Battery Alert message, you should perform the Battery Test in the System Diagnostics (F2) environment, and then calibrate the battery for best performance.

To access the **HP System Diagnostics Battery Test**, turn on the computer and immediately press the esc key to display the Startup Menu. Press the System Diagnostics F2 key, and then select the **Battery Test** option.

For instructions on testing the condition of your battery, see #NEW#Testing and Calibrating the Battery (Windows)#NEW# .